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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/922,555      | 08/03/2001  | Michael J. O'Neill   | 2507/101            | 9456             |

2101 7590 01/05/2007  
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| EXAMINER |
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WOO, JULIAN W

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| ART UNIT | PAPER NUMBER |
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3731

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 30 DAYS                                | 01/05/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## NOTICE OF NON-COMPLIANT AMENDMENT

### *Reissue Applications*

1. The amendment filed on September 18, 2006 is in an improper format. Applicant is reminded that any amendments submitted in a reissue application must comply with 37 CFR 1.173. Please refer to 37 CFR 1.173 for the proper format for an amendment in a reissue application.

The applicant is given a shortened statutory period of **one (1) month** from the mail date of this notice to submit a substitute or supplemental amendment in full compliance with 37 CFR 1.173, *not* 37 CFR 1.121. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. In summary, an amendment to claims must be in the following format:

(a) An amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper. For any claim changed by the amendment paper, a parenthetical expression "amended," "twice amended," etc., should follow the claim number. Each changed patent claim and each added claim must include markings pursuant to paragraph (c) below, except that a patent claim or added claim should be canceled by a statement canceling the claim without presentation of the text of the claim. Alternatively, applicant may effectively rewrite a claim by presenting it as a new (fully underlined) claim with a new claim number (no status identifier "new" required), and canceling the old claim.

(b) Status of claims and support for claim changes . Whenever there is an amendment to the claims, there must also be supplied, on pages separate from the pages containing the changes, the status (i.e., pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims.

(c) Changes shown by markings . Any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

(1) The matter to be omitted by reissue must be *enclosed in brackets*;  
and

(2) The matter to be added by reissue *must be underlined*, except for amendments submitted on compact discs (§§ 1.96 and 1.821(c)). Matter added by reissue on compact discs must be preceded with "<U>" and end with "</U>" to properly identify the material being added.

In short: Brackets and underlining are to be used to reflect only those changes in the text from the original patented text and not from any previous amendment in the reissue application.

(d) Numbering of patent claims preserved. Patent claims may not be renumbered. The numbering of any claim added in the reissue application must follow the number of the highest numbered patent claim. Renumbering of any claims added in the reissue application will occur upon allowance of the claims.

3. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received with any amendment before this reissue application can be allowed.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome the rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

See MPEP § 1414.01.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is (571) 272-4707. The examiner can normally be reached Mon.-Fri., 7:00 AM to 3:00 PM Eastern Time, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3731

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Julian W. Woo". The signature is written in a cursive, flowing style.

Julian W. Woo  
Primary Examiner

December 26, 2006